App F. IX-4

Previous References. (1943.44, Lexis) **File No.** 29.43

Serial Nos. 1.

Later References.

67

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Retrocession of Jurisdiction over certain Sections of the Mysore State Railway.

To

The Compiler, Mysore Gazette, Bangalore.

No. R.D. 487/Lexis 29.43-1 dated 29.12.43.

Orders publication of Act No. LVII of 1943 to provide for application of State Laws to the Lands retroceded to the Mysore Durbar over certain Sections of the Railway till now under the management of the M.&S.M. Ry

K.S.C. Sekhar
29/6/45

D.No. P

Retrocession of Jurisdiction over certain Sections of the Mysore State Ry

Continuation Sheet: File No. / Current No. of Page. 1

From the Resident

D.O.No. Pol: 37-42 dated the 8th May 1942 1943

Re: Retrocession of jurisdiction over Certain Sections of the Mysore State Railway.

Sec. Nov. 42

Secy W

Submitted. 1) In letter No. 15:98 dated the 5th X Nov. 42 the Residency were informed that the Mysore Govt accepted the Conditions set forth in Pol. No. 37-42 dat

Secy V

the 5th X Nov: 1942 in Connection with the Retrocession of Jurisdiction over Bangalore-Shimoga and Jog-Talaguppa Harihar Sections.

2) While Conveying Approval of the Conditions, the question of the transfer of jurisdiction to the Govt over the Bangalore City Station, was also raised.

3) The Residency have now stated that the Agent, M.S.M. Railway to whom the transfer of jurisdiction over that part of the Bangalore City Ry Station which is occupied by the Broad Gauge Railway lines and the Goods-shed is to be effected the following 4 Conditions about which a clear understanding has been asked for:-

a) a restriction on the powers of the State to impose taxes on the income, profits or gains, accruing or arising to any Federal Railway, except those attributable to the working of the Railway within the limits of the State;

b) a restriction of powers of State to impose taxes on incomes of the Federal Railway servants;

c) a restriction on the levy of terminal taxes on goods or passengers carried by a Federal Railway

2)

8 344(a)

Continuation Sheet. File No. Current No. of Page.

taxes on Federal Railway fares and freights.

d) Exemption from the levy by a State of any duty or tax on goods and materials required for the working of the Federal Railway in State Territory.

8(2) In this connection the Residency State that they are unable to communicate any clarification of these four points as the Govt. of Mysore have not replied to their (Residency) letter No. X Fed. 108/38 (71) dated 21.3.(43) 1939 with which the terms of reference of jurisdiction over Railway lands were communicated in connection with the Federal Negotiations.

(3) It may be pointed out in this connection that the Govt have replied to the Residency only in general lines stating their views and developments as regards Federation are to the tune of the present warring world Wars preoccupations and requesting that orders restoring jurisdiction over Railway lands in question to the State Govt.

(4) It is made clear from the papers placed below as to what action was taken in regard to the terms referred to in the Residency letter dated 21. 3. (43) 1939.

(5) The Financial Secretary may perhaps kindly advise if any of the taxes referred to in the Agreement is being levied on the M.S.M. Rly or its employees and if so in what cases may be

Chief Secy's remarks & Urgent minute.

SECRETARY 10761 11 MAY 1943 MYSORE

WD 1140—GPB—50,000—5-11-42

8) Of the taxes referred to in the P.U.D., the Finance Department can only furnish information with regard to the levy of Income (& Super) tax, the Railway Secretariat being consulted with regard to terminal tax and other duty on Railway materials. In respect of railway lands over which jurisdiction has been ceded to the Government of India, the Government of India have been contending that the Mysore laws have no application there and that this Government are not entitled to levy Mysore Income-Ta either on the earnings of the M.&S.M. Railway or the income of persons resident in that area. We have been urging that the jurisdiction was ceded for a particular purpose and that it was not intended that the Government of India should derive any fiscal advantage on this account. The Government of India have, however, intimated that as the whole question of jurisdiction in railway lands in India States was under review in connection with the provisions of the Government of India Act, it would not be appropriate or desirable to isolate this pa-rticular question for separate treatment as proposed by us, and that this Government might await the conclusions on the said general question.

9) The present position, therefore, is that under the Mysore Act as it stand at present, no income-Tax is being levied on the M. &S.M. Railway and its employees.

10) It may, however, be pointed out that it may be too early to agree to any restrictions on the power of the State to impose taxes on income, profits or gains,

P.T.O.

of either the Federal Railway or its servants, as the whole question will depend upon the final reciprocal arrangement or agreement between the Government of India and Mysore under the Federal Constitution and also as the Mysore Income-Tax is being amended very shortly on the residential basis of assessees as in British India.

5436 XXX

Prom

CHIEF 11129 17 MAY 1943 GOVT. OF MYSORE.

14.5.43 15/5

11) A. In favour of u.mail & urgent rehm Sec'y to Govt Rys W/Comp.) UO 17/5/43 17/5

RAILWAY SECTT. G.O. 183 Dated 18-5-43

18/5

12) Draft to the General Manager calling for necessary particulars on the points marked 'A' in para 8 of note is submitted for favour of approval. Rly Secy) 18/5 Approved 19/5

13) Issued vide No.R.S.3357, dated 19th May 1943.

14) Letter No.E.1173, dated 21st May 1943, from the General Manager, M.S.Railway, Re: Retrocession of jurisdiction over certain sections of the Mysore State Railway.

15) In reply to this office letter No.R.S.3357, dated 19th May 1943, calling for the remarks of the General Manager on the conditions (c) and (d) raised by the Agent and General Manager, M & S M.Railway, and referred to in the Residency

P.U.D.

letter

Ry. F 4]

Railway Secretariat. File No. of 193

P. U. D.

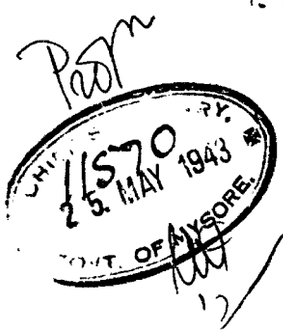
Serial No.

letter dated 8th May 1943 under disposal, the General Manager states that the conditions in question would apply only so far as the Bangalore City-Bisanatham Section of the Madras Railway lying in the territories of Mysore is concerned and that they may be agreed to.

16) It is added that there is no objection to the acceptance of the conditions in question from the Railway point of view, as Railways do not levy terminal taxes or duties while a State or its Municipalities may levy such taxes or duties, although Railways do levy what is known as a terminal charge for handling goods.

P. U. D

A



17) Submitted with reference to para 8 of notes supra.

Please put up a copy of the Govt of India Act 1935.

Ry Secy) 18) Japee ji ka G.M's view as at A

Govt Secy (in the temp) 25/5-43

P.O.123.

Act of the G. of I. Act is put up & submitted.

19) The Agent of the Madras and Southern Mahratta Railway Company has raised four points in connection with the retrocession of jurisdiction over that portion of the Bangalore City Railway Station which is occupied by the broad-guage railway lines and goods-sheed. It is stated that the points in regard to these conditions were

to

NOTE—Contn. Sheet.

WD 1331—GBPM—2,500—9-3-34.

to be attached to the retrocession of jurisdiction over Federal Railways.

20) The terms under which jurisdiction over the lands occupied by railway ~~xxxxxxx~~ lines in the State were to be retroceded on the accession of the State to the Federation are specified in the Memorandum received with the Residency communication, dated the 21st March 1939 (Flag T).

21) An examination of the conditions now proposed in the light of the terms specified in that Memorandum as well as the provisions of the Government of India Act, which would have been applicable to the State under its Instrument of Accession, shows that while conditions (a) and (d) are in consonance with the scheme of Federation embodied in the Government of India Act, the other two conditions, viz., (b) and (c) go much beyond that scheme. Now were these two conditions included in the Memorandum previously received from the Residency (Flag ~~X~~).

22) The first point is in regard to the restriction on the power of the State to impose taxes on income, profits or gains, accruing from any Federal Railway, except that attributable to the working of the Railway within the limits of the State. The claim of the State to levy income-tax on the profits earned by the Madras and Southern Mahratta Railway Company from working the Bangalore-Bisanatham Section (which is a Federal Railway), has been so far negatived by the Government of India. The Federal Scheme envisaged in the Government of India Act contemplated the retention by the State of the power to levy income-tax, and the Madras and Southern Mahratta Railway Company would have been liable on the accession of the State to the Federation to the levy of income-tax by the State on that portion of the profits made by it by the working of the Bangalore-Bisanatham Section. The exception made in the condition now proposed appears to make it clear

clear that profits attributable to the working of the Railway within the limits of the State would be liable to State taxation. Our right, therefore, to subject these profits to State income-tax is thus conceded and the condition, which is in consonance with the scheme of Federation, may be accepted.

23) The second point is that the State should consent to a restriction of its powers to impose taxes on the income of Federal Railway servants. The State's claim to recover income-tax from the employees of the Madras and Southern Mahratta Railway Company had been negatived in the past by the Government of India, and the acceptance of the condition would mean the permanent surrender of this claim. The Government of India Act does not confer any exemption on employees of the Federal Government from liability to State taxation, nor was there any proposal for conferring such exemption in the course of the negotiations for the accession of the State to the Federation. Officers of the Government of India serving in Mysore territory, as for instance Officers of the Postal and Telegraph Department, (Flag Y) are even now liable to State income-tax, and the arrangement which is now in force for the recovery of the tax from the salaries of such officers may be made applicable to the employees of the Madras and Southern Mahratta Railway Company.

24) Thirdly, it is proposed that the State should consent to a restriction on the levy of terminal taxes on goods or passengers carried by a Federal Railway or taxes on Federal Railway fares and freights. Under Section 137 of the Government of India Act, terminal taxes on goods or passengers carried by railway,

or

or air, and taxes on railway fares and freights, are to be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax would not form part of the revenues of the Federation, but is to be assigned to the Provinces and to the Federated States, if any, within which that duty was levied and is to be distributed among them in accordance with such principles of distribution as may be formulated by an Act of the Federal Legislature. If Mysore had consented to surrender its powers to levy these taxes on its accession to the Federation, it would have been entitled to receive a portion of the net proceeds of the tax, while the condition now proposed demands a surrender of its powers without any corresponding right to share in the proceeds of these taxes. The condition may be accepted if the arrangement for the distribution of these taxes as contemplated by Section 137 of the Government of India Act is carried into effect as far as possible.

25) The fourth point is that goods and materials required for the working of the Federal Railway in State territory should be exempted from the levy by the State of any duty or tax. This condition may be accepted as it is in conformity with Section 154 of the Government of India Act which provides that property vested in His Majesty for purposes of the Government of the Federation shall, save in so far as any Federal law may otherwise provide, be exempt from all taxes imposed by, or by any

authority

C 2078

authority within, a Province or Federated State. If the State had joined the Federal Constitution, it would have been bound to exempt goods and materials required for the working of this portion of the Federal Railways from State taxation.

25 JUN 1943
9174

26) Draft D.O. letter as personally directed by the Dewan is submitted for consideration.

24/6

Chief Secy.

Dewan) 24/6/43

27) 24/6/43

28) After issue, the papers may be circulated to the Ministers ~~ended to~~

(No. 1888 dt. 25.6.43 issued to the Residency)

with a copy of the N.D. Tax Manual - part I.

29) 25/6/43

30) Circulated. 26/6/43

31) Minister for Revenue & Law) 8.7.43

Minister for P. W. D. 32) 15.7

Minister for L.S.G. & P.H. 33)

Minister for Ind. & Supplies. 34) 30.7.43

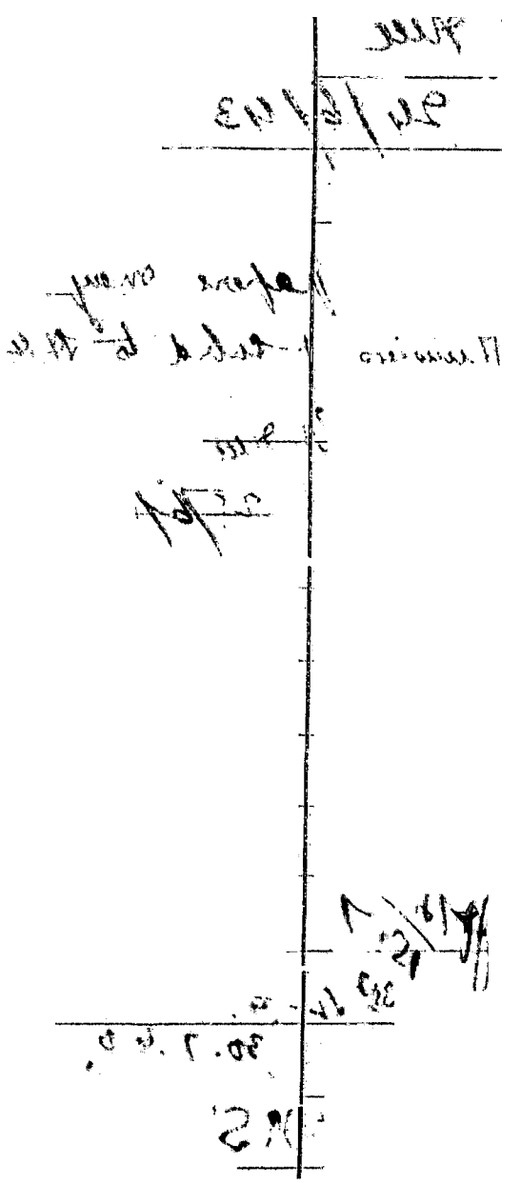
Minister for Edn. 35) 29/7

36) DEN. 31/7/43

10752 / 26/6 — 291 / 15/7 — 836 / 20/7 — 194 / 15.7.43

Peace 10/8/43

CHIEF [illegible] 4 SEP
31. JUL. 1943
GOVT. OF MYSORE.



273 P 43. CONFIDENTIAL

Refer query

THE RESIDENCY,

BANGALORE.

D.O.No. Pol.37-42 3rd July 1943

Retrocession of jurisdiction over certain sections of the Mysore State Railways.

Dear Mr Madhava Rao

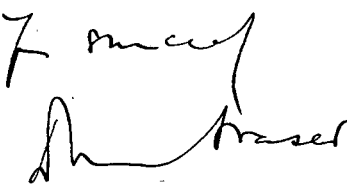
Will you please refer to your demi-official letter No.1888, dated the 24th June 1943?

2. With reference to clause (b) of your letter I would invite your attention to clause (i) of condition (b) mentioned in the enclosures to the letter from this Residency No. Fed.108/37(7), dated the 21st March 1939, which clearly indicates that such of the Federal Railway servants as are ordinarily resident in the Mysore State will be liable to the State income-tax. In view of the above I do not think that absolute exemption of Railway servants from State income-tax is contemplated by the Agent, Madras and Southern Mahratta Railway.

3. If this assumption is accepted, then the position of Railway personnel would be on a par with those of Post and Telegraph officers.

This

This being so, I can see little difficulty in the Mysore Government accepting this condition as they have done the others.



Pradhana Siromani
Mr. N. Madhava Rau, C.I.E.,
Dewan of Mysore,
Bangalore.

OFFICE OF THE DEWAN OF MYSORE

ORDERS	OFFICE NOTE
	Ex. 12
(Sd.) W.C. Chetty, Reg 7- 5.7 39) The connected file, which was received from the office of the Minister for R.L.L. today is submitted herewith. Sd/- 9/7/43. Dewan) 38) We may agree to the condition Sd/- 9/7/43. 9/7/43.	39) As from Govt. not to be kept up Sd/- 9/7

273/P/43.

40 Draft submitted for consideration

MWW 10/7

Chief Secy)

DEWAN'S OFFICE
10 JUL. 1943
NO. 205

Dewan) MW 10/7/43.

MWW 10/7

Issued on 10.7.43
C.H.11.

41 The file might be sent to Hon'ble C. B. for completion

Recd 13/7 circulation to Hon'ble other Ministers as ordered by the Dewan at Para 28 Supra (page 9 of the notes)

MWW 15/7

(circulation completed) PAM 15/7. CB)

Regn Para 31 to 35 Supra) 15.7.43

42 Submitted with a D.S.N. as directed at Para 28 Supra (page 9 of the notes) as intervened:

PAM 12/8. Typed draft Subd.

PAM 13/8. MWW 14/8

12.8.43 13.8.43 Chief Secy) 43 D.S.N. for ANM.

CHIEF SECRETARY
14. AUG. 1943
GOVT. OF MYSORE.

DEWAN'S OFFICE
14. AUG. 1943
936

Dewan) MW 14/8/43

MWW 14/8

Submitted to His Highness.

44 These papers relate to the question of transfer of jurisdiction to the State over that portion of the Bangalore City Railway Station which is occupied by the Broad-gauge railway lines and goods-shed.

45 The Residency, at the instance of the Agent, Madras & Southern Mahratta Railway, sought for the clarification of the following four conditions which were to be attached to retrocession of jurisdiction over Federal Railways:-

a) a restriction on the powers of the State to impose taxes on income, profits or gains, accruing from any Federal Railway, except that attributable to the working of the Railway within the limits of the State.

b) a restriction on the powers of the State to impose taxes on the incomes of Federal Railway servants.

c) a restriction on the levy of terminal taxes on goods or passengers carried by a Federal Railway or taxes on Federal Railway fares and freights.

d) exemption from the levy by a State of any duty or tax on goods and materials required for the working of the Federal Railway in the State territory.

46 The attitude we have all along taken in regard to such conditions is in conformity with the general principles governing Federal Railways as embodied in the Government of India Act. A reply was accordingly sent to the Residency inviting attention to these principles and expressing willingness to accept the conditions subject to the necessary qualifications.

47 The papers are submitted for His Highness's gracious perusal.

K. Ramachandra Rao

Bangalore,
16th August 1943.

DEWAN.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Reply to the Residency regarding the question of transfer of jurisdiction to the State over that portion of the Bangalore City Railway Station occupied by the Broad-gauge railway lines and goods-shed.

No. 138

Order.

48

17/8/'43.

49 Chief Secy

18/8/43

18/8/43

General and Revenue

Secretariat.

C2078.

SUBJECT:—

Reply to the Residency regarding the question of transfer of jurisdiction to the State over that portion of the Bangalore City Railway Station occupied by the Broad-guage railway lines and goods-shed.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

50 Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Veeraraghavaiah
Chief Secretary to Government.
18/8/43

Through the Secretary to Government,

...Railway....Department.

1167/19/8 — Minister for Revenue and Law. 51 27.8

1202/23/8 — Minister for Public Works. 52 23.8

1534/24/8 — Minister for Local Self-Govt. and Public Health. 53 26.8.43

1123/25/8 — Minister for Industries and ~~Commerce~~ Supplies. 29/8

1361/1/9 — Minister for Education. 55 1/9

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

3 4/9 4/9/43

Submitted to His Highness.

I submit herewith for His Highness's gracious perusal a letter dated the 16th November 1943 received from the Hon'ble the Resident intimating that His Excellency the Crown Representative has decided that jurisdiction be retroceded to the Government of Mysore over the entire Bangalore City Railway Station, including the broad-gauge railway lines, goods shed etc., and that jurisdiction over the Bangalore - Hindupur line will be retroceded simultaneously.

N M Raja Rao

Bangalore,
16th November 1943.

D E W A N .

Record of Cases submitted for the Orders of His Highness the Maharaja.

No. 357
16.11.43

Subject.

Letter from the Residency that His Excellency the Crown Representative has decided that jurisdiction be retroceeded to the Government of Mysore over the entire Bangalore City Railway Station, including the broad-gauge railway lines, goods shed, etc.

No. 358

Order.

57 F.N. 17/11/'43.

58 Chief Sec[illegible]

W.P. 18/11/43

4642/43 273

C 399.

17

General and Revenue

Secretariat.

SUBJECT:—

Letter from the Residency that His Excellency the Crown Representative has decided that jurisdiction be retroceded to the Government of Mysore over the entire Bangalore City Railway Station, including the broad-guage railway lines, goods shed etc.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

(*) Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vedapariahay
Chief Secretary to Government.
18/11/43

Through the Secretary to Government,

~~Railway~~.....Department.

3063/27/11 — Minister for Revenue and Law. 27/11

3127/18/11 — Minister for Public Works. 20.11.43

3251/23/11 — Minister for Local Self-Govt. and Public Health. 23.11.43

2753/23/11 — Minister for Industries and ~~Co~~Supplies. 24/11

3213/26/11/43 — Minister for Education. 26/11

Reg Receipt Book 27/11/43

NOTE.—Contn. sheet

WD 02718—GPS—500—21-4-43

DEWAN'S MINUTE.

FILE No. 194 .

DE
S. M. 219

Bangalore, 23rd December 1943.

The Secretary to the Resident and the Commissioner of Police, Civil and Military Station, Bangalore, wish to meet our representatives in order to settle the boundary of the City Railway Station, jurisdiction over which has been decided to be retroceded to us. A meeting will be held in my Chambers on Monday, the 27th instant at 10 A.M. The undermentioned officers are requested to be present:-

1. The General Manager, Mysore State Railway, with plans of the City Railway Station and of the broad-gauge line between City and Cantonment.

2. The Inspector-General of Police with allocations proposed to relieve the Civil and Military Station Police.

3. The Railway Secretary.

4. The Additional Secretary in charge of Chief Secretary's duties.

p.l.
Let me have the connected papers for study
by 28/12

Additional Secretary.)

57. At the meeting held this morning in the Dewan's Chambers with the Representatives of the Madras and Southern Mahratta Railway Coy and the Commissioner of Police, C & M. Station in regard to the limits of the Bangalore City Railway Station over which jurisdiction is to be retroceded, it was agreed that the limits of the Station may extend over the Broad gauge lines also as far as the limits of the C & M Station.

58. The Representative of the M & S. M. Rly Coy said that he would finally write in this matter

I think he is the key to the Resident vr the Agent, M.S.M.

Two orders to make the State laws applicable to the ~~lines~~ lands now to be retroceded, as regular enactment is necessary. The Act proving for the application of State Laws to the lands occupied by the Yeshwantpur-Haribar lines of the Mysore State Railways, Act XXXVII of 1942, contains no provision enabling Govt to extend the provisions of that enactment to other lines. It will be necessary therefore either to frame an Act extending the provisions of Act XXXVII of 1942 to the lands to be retroceded now or to frame an independent for those lines similar to Act XXXVII of 1942. The latter alternative seems to be preferable

71 Draft of an Act with as submission Notes are submitted for consideration. The draft Act provides assumes the retrocession of jurisdiction over the Bangalore-Hindupur line and the Bangalore City Railway Station.

MLK 27/12

Add Secy)

72 Drafts are for consideration. A copy of the proposed enactment has been retained in the file so that it may be ~~notified~~ promulgated promulgated in an Extraordinary gazette immediately it is known that H.H. has given his consent. It is presumed that a further communication from the Residency is not necessary for the promulgation of the enactment. A printed copy of the previous Act is (drawn) kept in the file

W 27.12.43

34.57

Submitted to His Highness.

73 I beg to invite reference to my Submission Note dated the 16th November 1943 enclosing a letter dated the 16th November 1943 received from the Hon'ble the Resident intimating that His Excellency the Crown Representative has decided that jurisdiction be retroceded to the Government of Mysore over the entire Bangalore City Railway Station as also over the Bangalore-Hindupur line. A Conference was held in the Secretariat this morning of representatives of this Government and the Residency to settle the limits of the City Railway Station. It was agreed that the broad-gauge line of the Madras & Southern Mahratta Railway up to the boundary between the City and the Civil & Military Station should be deemed to be the Bangalore City Railway Station.

74 The Residency are issuing a Notification to implement the understanding and we have on our part to pass an Act for the purpose. I submit herewith a draft of an Act (analogous to Act XXXVII of 1942) providing for the application of State laws to the lands occupied by the above-mentioned lines, and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lines. to His Highness.

I solicit the gracious sanction of His Highness to the promulgation of the Act.

N Madhava Rau

Bangalore,
27th December 1943.

DEWAN.

ACT OF 1944.

(Promulgated by His Highness the Maharaja on the 1st day of January 1944)

An Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore - Hindupur line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

PREAMBLE. Whereas His Excellency the Crown Representative has retroceded to His Highness the Maharaja jurisdiction of every kind over the Bangalore-Hindupur Section of the Mysore State Railways, which lies within the territory of the State, inclusive of the Bangalore City Railway Station, and over the Broad gauge lines of the Madras and Southern Maharatta Railway from Bangalore City Railway Station to the limits of the Civil and Military Station, Bangalore, and it is necessary to provide for the application of State Laws to the lands occupied by the aforesaid lines and to make provision for the --- transitional arrangements in respect of proceedings and other matters which have arisen within the said lands and which are pending on the date of retrocession in the Courts of the Civil and Military Station of Bangalore:

His Highness the Maharaja has been pleased to enact as follows:-

TITLE.- 1. This Act may be called an Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore - Hindupur ~~line~~ Section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession.

COMMENCEMENT AND EXTENT.

2.(1) It shall come into force on 1st of January 1944.

(2) It applies to all lands ~~bordering the lands~~ (including ~~the lands~~ those occupied as Stations out-buildings and for

for other railway purposes) occupied by the Bangalore - Hindupur Section of the Mysore State Railways, which lie within the territory of the State inclusive of the Bangalore City Railway Station and by the Broad-Gauge line of the Bangalore - Madras Section of the M & S.M. Railway from the Bangalore City Railway Station to the limits of the C & M. Station of Bangalore.

3. All laws for the time being in force in the Mysore State shall ~~should~~ be deemed to be in force in the aforesaid lands. APPLICATION OF STATE LAWS.

4. All Civil suits and proceedings of whatever nature initiated and pending before the Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be suits and proceedings taken cognizance of by, and pending in, Courts of Mysore and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such suits and proceedings were pending. PENDING CIVIL MATTERS.

5. All criminal cases and proceedings taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be cases and proceedings taken cognizance of by and pending in Courts of Mysore, and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such cases and proceedings were pending. PENDING CRIMINAL MATTERS.

Provided, however, that nothing in this section shall affect the provision of Section 350 of the Code of Criminal Procedure.

6. All appeals, applications for revision, and other proceedings, civil as well as criminal, pending in the appellate Courts or the Resident's Court of the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be appeals, applications or proceedings pending in the corresponding appellate Courts or the High Court in Mysore, as the case may be, and may be continued in such appellate Courts of competent jurisdiction, as may be notified by the Government, or by the High Court, from the stages at which such cases, applications or proceedings were pending. PENDING APPEALS ETC.

Provided, however, that nothing in this section shall affect the appeals from the Resident's Court pending before His Majesty in Council.

Appeals, etc., to lie to Mysore Courts after retrocession.

7. All appeals, references, applications for revision or review, applications for execution and all miscellaneous applications connected with judgments, decrees, orders or cases, civil or criminal, of courts having jurisdiction prior to retrocession and in respect of which no appeals, references or applications have been filed or made, will lie to Courts of competent jurisdiction in Mysore to which such appeals, references or applications would lie if the said judgments, decrees, orders or cases were of corresponding Courts in Mysore, subject to the law of limitation as was in force in the Civil and Military Station, Bangalore, prior to retrocession, being applicable to such appeals, references or applications.

Law applicable to pending matters.

8. All civil suits and proceedings and criminal cases and proceedings commenced and pending in the Courts of the Civil and Military Station, Bangalore, on the date of retrocession, and all appeals, references and applications connected with suits, cases and proceedings in the said Courts prior to retrocession shall be decided by the Mysore Courts applying the law which was in force in the Civil and Military Station, Bangalore, at the time the suits, cases or proceedings were initiated, as far as altered circumstances will permit.

Power to appoint a First Class Magistrate.

9. Notwithstanding anything contained in the Criminal Procedure Code, 1904, the Government may appoint a Magistrate of the First Class with jurisdiction over the whole or any part of the lands to which this Act applies, and determine to which District Magistrate he shall be subordinate and the Sessions Division in which the lands may be included.

10. For purposes of section 177 of the Code of Criminal procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction.

Sd/-N.Madhava Rau,
DEWAN.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Retrocession of jurisdiction over the entire Bangalore City Railway Station as also over the Bangalore-Hindupur Line and promulgation of an Act in connection therewith.

No. 478

Order.

28/12/'43.

General and Revenue

Secretariat.

4042

123

SUBJECT:—

Retrocession of jurisdiction over the entire Bangalore City Railway Station as also over the Bangalore-Hindupur Line and promulgation of an Act in connection therewith.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

K. Seshadri

Chief Secretary to Government.

(In charge)

Through the Secretary to Government,

.....Department.

Minister for Revenue and Law.

Minister for Public Works.

Minister for Local Self-Govt. and Public Health.

Minister for Industries and Supplies.

Minister for Education.

NOTE.—Contn. sheet

WD 718—GPB—1,000—11-9-42

(24

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record.]

C.S.

Some verbal alterations in the Act as approved by H.H. have been made to bring it into conformity with the order issued by the Residency. The Act will be published to-day in a Gazette Extraordinary.

The Dewan has ordered that the Act as published should be submitted to H.H. by

29/12

29/12

N.B.—should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

WD 078—GPB—30,000—25-7-40

An Act to provide for the application of State Laws to the lands occupied by the Bangalore city Railway station and the Bangalore - Hindupur line of the Mysore State Railway etc.

Continuation Sheet. **File No.** / **Current No.** 300 RL of **Page.** 25

Submitted

The gracious assent of His Highness the Maharaja has been accorded on the 28th December 1943 to promulgate this Act into Law.

A draft Notification directing the publication of the Act as Act No LVII 1943 ~~as a~~ in the Gazette Extraordinary, tomorrow the 30th December 1943, is submitted for kind approval.

Draft and fair forwarding the Act and the connected Notification addressed to the Compiler, Mysore Gazette, requesting him to publish the Act ~~as a~~ in the Gazette Extraordinary tomorrow, and to supply ~~of~~ 100 Spare Copies to the Secretariat is put up for orders.

29/12

29/12/43

29/12 Addl Secy)

Gl The Gazette is issued today

29/12/43

To

The Compiler, Mysore Gazette, Bangalore

No. 489 RL Date 29th December 1943.

~~Forwards Copy of Notification~~ Notifies the publication of Act LVII of 1943 to be published ~~in~~ Part IV as an extraordinary G.

To The Compiler, Mysore Gazette, Bangalore

No 489 RL dated 29 December 1943

Forwards Copy of Notification No Ex 6, Legs 29-4 dated 29 December 1943 directing its publication along with Act No LVII of 1943, in the Gazette Extraordinary to be published today.

Act to provide for the application of State Laws to the Lands occupied by B. City Ry Station and other lines, to be retroceded to Myore Govt

Continuation Sheet. File No. 300 [illegible] of Page. 26
Current No. RL

82 A copy of the Gazette Extraordinary, ... * Flag 'F'
publishing the Act* to provide for the application of State Laws to the lands occupied by the B. City Ry Station and the Bangalore Station Platform line of the Mysore State Rys and for [illegible] arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to H.H. the Maharaja as Act No. LVII of 1943 along with the Notification No. RL 487- Legis. 29-43-1, dated Bangalore, dated the 29th Dec 1943 ordering the publication of the said Act.

DEWAN'S OFFICE
NO 3781

Submitted for perusal. The printed copy of the Gazette has been received today in Flag F
Flag F for orders with reference to the note at 30.12.43 orders noted in page 24 of file.

BVD 12

Secy (21.dc) 3.1.44

BVKR 3.1.44

Law Secy

83 Some changes in the Act while printing have been made to bring it into correspondence with the Order issued by the Residency. The Dewan has ordered that the file may be resubmitted to H.H.

SECY 1941 GOVT OF MYSORE

WD 01809—GPB—60,000—26-1-43

3/1

Dewan

BVKR 3.1.44

3.1.44

84 A D.S.N may be put up.

85 Also the draft of a letter to the Residency conveying the thanks of the Nepal Govt to the crown Representative for the retrocession and to the Resident for his ~~interest and~~ good offices in having this long pending question satisfactorily settled

86 & The Publicity Office may also put up a ~~press~~ note (to be ~~simultaneously~~ sent to newspapers) giving a brief history of the question and the nature of the settlement reached

5/1/44

87) For necessary action

BKR 5.1.44

Asst Secy Progn for WC

88) 6/1

regarding the letter to the Residency

89) Extract of orders in para 85 is taken and the file returned to the Legislative Section for further action as regards the D.S.N.

6/1.

Asst Secy Legis W.C

90) 8.1.44

91) A D.S.N is submitted for consideration

10/1/44

92) The file will if approved be sent to the Publicity office in the first instance as per orders in para 86 above for taking action & then D.S.N. submts for approval.

BKR 10/1.

91) 10.1.44

Secy RA & E

Publicity Office WC

BKR 10.1.44

OFFICE OF THE SECRETARY
W.D.V.
LEGISLATIVE COUNCIL
AND
LEGISLATIVE COUNCIL

An Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur Section of the Mysore State Railways

300/PR.

Continuation Sheet. File No. / Current No. Page.

95) Draft submitted with previous papers
Addl Secy) 12-1-44

96) Typed draft may be seen
Secy
Secy
when 12/1
To Engineer
13/1

97) Typed Draft Submitted
13/1/44

98) Addl Secy) 13-1-44

99) The question was raised to observe that it was too late to issue a press note now and that a note on the subject might be published in the next issue of the Information Bulletin. He has approved of the draft in the file

P.O) 15-1

100) Accepting the note being published in the Monthly Information Bulletin is kept in the file for reference. The file is sent for information

Secy
RA
WC
12-1-44

101) BXR 18.1.44

The file is resubmitted for approval of the D.S.N

BXR 19.1.44

18/1/44

BVN 19/1

Law Secy)
Submitted
4175
19.1.44

Dewan
19-1-44

BXR 19.1.44

SECY. 6841 GOVT OF MYSORE

Draft Submission Note.

--

I beg to invite reference to my Submission Note dated the 27th December 1943 enclosing a draft of an Act providing for the application of State laws to the Railway lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur Section of the Mysore State Railways and for transitional arrangements, and to His Highness's gracious sanction to promulgate the Act.

The Residency have since issued a notification dated 28th December 1943 to implement the understanding and we have on our part issued our Act on 29th December 1943 as Act LVII of 1943, with a few verbal alterations in the preamble and the body of the Act to bring it into conformity with the Notification issued by the Residency.

I now submit the copies of the Residency Notification and our Act for His Highness's gracious perusal.

Dewan.

Submitted to His Highness.

B

I beg to invite reference to my Submission Note dated the 27th December 1943 enclosing a draft of an Act providing for the application of State laws to the Railway lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur Section of the Mysore State Railways and for transitional arrangements, and to His Highness's gracious sanction to promulgate the Act.

T

Z

The Residency have since issued a notification dated 28th December 1943 to implement the understanding and we have on our part issued our Act on 29th December 1943 as Act LVII of 1943, with a few verbal alterations in the preamble and the body of the Act to bring it into conformity with the Notification issued by the Residency.

I now submit the copies of the Residency Notification and our Act for His Highness's gracious perusal.

N M D Rau

DEWAN.

Bangalore,
19th January 1944.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 534
21.1.44

Subject.

Notification issued by the Residency and the Act promulgated in Mysore to provide for the application of State laws to the Railway lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur Section of the Mysore State Railways and for transitional arrangements.

No. 536

Order.

SRV.
21/1/'44

General and Revenue Secretariat.

(4) P 300/44 c587

SUBJECT:—

Notfn. issued by the Residency and the Ag promulgated in Mysore to provide for the app cation of State laws to the Railway lands oc pied by the Bangalore City Railway Station a the Bangalore-Hindupur Section of the Mysore State Railways and for transitional arrangem

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
24/1/44

Through the Secretary to Government,
Law ~~Railway~~.....Department.
2.3.44

4304/25.1.44. Minister for Revenue and Law. 25/1

4609/28/1 Minister for Public Works. 28/1

4875/29.1.44 Minister for Local Self-Govt. and Public Health. 2.2.44.

4412/3.2.44 Minister for Industries and Supplies. 6/2

Minister for Education. 7/2

4957 7/2/44

Law Secy 7/2

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

7-2-44

8-2-44

CONFIDENTIAL.

No. F-42.

Bangalore,
8th May 1943.

Retrocession of jurisdiction over certain sections of the Mysore State Railway.

12 MAY 1943

My dear Mr.Madhava Rau,

You will remember that in January last we went to inspect the Bangalore City Railway Station with a view to getting the anomalous position there about jurisdiction rectified. Subsequently I wrote to the Political Department and instructed my Secretary to write to the Agent of the Madras & Southern Mahratta Railway about transferring to His Highness' Government jurisdiction over that portion of the Bangalore City Railway Station which is occupied by the broad-gauge railway lines and goods shed. The Agent of the Railway has now raised certain points about which he asks for clarification. The points are in regard to the following four conditions which were to be attached to the retrocession of jurisdiction over Federal Railways:-

(a) a restriction on the power of the State to impose taxes on income, profits or gains, accruing from any Federal Railway, except that attributable to the working of the Railway within the limits of the State;

(b) a restriction of powers of State to impose taxes on the income of Federal Railway servants;

(c) a restriction on the levy of terminal-taxes on goods or passengers carried by a Federal Railway or taxes on Federal Railway fares and freights;

(d) exemption from the levy by a State of any duty or tax on goods and materials required for the working of the Federal Railway in State territory.

I find myself unable to comment on or clarify these four points because the Mysore Government never replied to this Residency letter No. Fed.108/38(7) of the 21st March 1939, with which the terms of retrocession of jurisdiction over railway lands were communicated to the State in connection with the Federal negotiations. I am anxious to get the question of the City Railway Station settled as soon as possible, and I should therefore be grateful if you will kindly let me have your answer to the points raised by the Agent as soon as may be convenient to you.

Yours sincerely,

Pradhanasiromani Mr.N.Madhava Rau, C.I.E.,

Dewan of Mysore.

SR.

1888

Bangalore,

24th June 1943.

My dear Col. Fraser,

I am in receipt of your D.O. letter No. Pol. 37-42 dated the 8th May 1943 asking for the clarification of certain points raised by the Agent of the Madras and Southern Mahratta Railway in connection with the proposed retrocession of jurisdiction over that portion of the Bangalore City Railway Station which is occupied by the broad-gauge railway lines and goods shed. I offer below my remarks on the points raised:-

(a) Restriction on the power of the State to impose taxes on income etc.

This condition is acceptable to the State. It is, however, presumed, as stated in the exception to the condition, that the profits attributable to the working of the Railway within the State limits would be liable to State income-tax.

(b) Restriction of powers to impose taxes on the incomes of Federal Railway servants.

The Government of India Act does not confer any exemption on employees of the Federal Government from liability to State taxation, nor was there any proposal for conferring such exemption in the course of the negotiations for the accession of the State to the Federation. Officers of the Government of India serving in Mysore territory, as for instance Officers of the Postal and Telegraph Department are even now liable to State income-tax, and the arrangement which is now in force for the recovery of the tax from the salaries of such officers may be made applicable to the employees of Federal Railways.

(c) Restriction of the levy of terminal taxes on goods etc.

Under Section 137 of the Government of India Act, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights are to be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax would not form part of the revenues of the Federation, but is to be assigned to the Provinces and to the Federated States, if any, within which that duty was levied and is to be distributed among them in accordance with such principles of distribution as may be formulated by an act of the Federal Legislature. The restriction now proposed is acceptable to the State if the arrangement for the distribution of these taxes as contemplated by Section 137 of the Government of India Act is carried into effect as far as possible.

(d)

(d) Exemption of goods and materials required for the working of the Federal Railway from the levy of any duty or tax.

The State has no objection to the exemption proposed.

Yours sincerely,

D. N. Madhava Rau

The Hon'ble
Lieut. Col. D. de M.S. Fraser, C.I.E..
Resident in Mysore,
BANGALORE.

D.O. 1888. (Draft)

My Dear Colonel Fraser,

I am in receipt of your D.O. letter No. Pol. 37-42, dated the 8th May 1943, asking for a clarification of certain points raised by the Agent of the Madras and Southern Mahratta Railway in connection with the proposed retrocession of jurisdiction over that portion of the Bangalore City Railway Station which is occupied by the broad-gauge railway lines and goods shed. I offer below my remarks on the points raised .-

(a) Restriction on the power of the State to impose taxes on income etc.-

This condition is acceptable to the State. It is, however, presumed, as to the condition stated in the exception, that the profits attributable to the working of the Railway within State limits would be liable to State income-tax.

(b) Restriction of powers to impose taxes on the incomes of Federal Railway servants .-

The Government of India Act does not confer any exemption on employees of the Federal Government from liability to State taxation, nor was there any proposal for conferring such exemption in the course of the negotiations for the accession of the State to the Federa-

-tion.

Federation. Officers of the Government of India serving in Mysore territory, as for instance Officers of the Postal and Telegraph Department, are even now liable to State income-tax, and the arrangement which is now in force for the recovery of the tax from the salaries of such officers may be made applicable to the employees of Federal Rail-ways.

(c) Restriction on the levy of terminal taxes on goods etc.-

Under Section 137 of the Government of India Act, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, are to be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax would not form part of the revenues of the Federation, but is to be assigned to the Provinces and to the Federated States, if any, within which that duty was levied and is to be distributed among them in accordance with such principles of distribution as may be formulated by an Act of the Federal Legislature. The restriction now proposed is acceptable to the State if the arrangement for the distribution of these taxes as contemplated by Section 137 of the Government of India Act is carried into effect as far as possible.

(d) Exemption of goods and materials required for the working of the Federal Railway from the levy of any duty or tax .-

The State has no objection to the exemption proposed.

Yours sincerely,

24/6 24/6/43 (D e w a n)

THE HONOURABLE
Lieut-Colonel D.de M.S.Fraser, C.I.E.,
Resident in Mysore,
B a n g a l o r e.

Bangalore,

C.14.11 10th July 1943.

Retrocession of jurisdiction over certain sections of the Mysore State Railways.

My dear Colonel Fraser,

Z. With reference to your D.O. letter No. Pol. 37-42 dated 3rd July 1943, explaining the implications of the condition regarding the restriction on the powers of the State to impose taxes on the incomes of Federal Railway servants, I write to say that the State is agreeable to accept the condition on the assumption that the position of Railway personnel would, as stated in your letter, be on a par with those of Post and Telegraph Officers.

Yours sincerely,

Sd. N. Madhava Rau

The Hon'ble
Lieut.-Colonel D. de H. S. Fraser, C.I.E.,
Resident in Mysore,
BANGALORE.

12/7/43

13/7

D.O.No. A.

Retrocession of jurisdiction over certain sections of the Mysore State Railways

(My dear Colonel Fraser,)

With reference to your D.O. letter No. Pol 37-42, dated 3rd July 1942, explaining the implications of the condition regarding the restriction on the powers of the State to impose taxes on the incomes of Federal Railway servants I write to say that the State is agreeable to accept the condition on the assumption that the positions of Railway personnel would, as stated in your letter be on a par with those of Post and Telegraph officers.

MWW 10/7

WW 10/7/43

Yours sincerely

(Dewan)

The Honble
Lieut-Col. D de M.S. Fraser
C.I.E.
Resident in Mysore
Bangalore

D.O.No.Pol.37-42. CONFIDENTIAL

THE RESIDENCY,

BANGALORE.

16th Novr. 1943.

Retrocession of jurisdiction over railway lands in Indian States.

My dear Mr Mathura Rao

Will you please refer to the correspondence ending with your demi official letter No.C.M.11, dated the 10th July 1943?

2. His Excellency the Crown Representative has been pleased to decide that jurisdiction be retroceded to the Government of Mysore over the entire Bangalore City Railway Station, including the broad-gauge railway lines, goods shed, etc. from a point to be settled in consultation with the Government of Mysore, the M. & S. M. Railway authorities and the Commissioner of Police, Civil and

Military

Military Station, Bangalore. I am writing to the Agent & General Manager, M & S.M. Railway asking him to come to Bangalore at an early date so that the point from which jurisdiction is to be retroceded as well as the date may be decided on the spot after a joint inspection of the lands. Jurisdiction over the Bangalore - Hindupur line will be retroceded simultaneously.

Yours sincerely

Pradhana Siromani
Mr. N. Madhava Rau, C.I.E.,
Dewan of Mysore,
BANGALORE.

Proof by Congress
M. K. Narasimhan
Asst Secy to Govt

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No.....

Dated, Bangalore, 28th Dec 1943

Ordered that the accompanying Act to provide for the application of State laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of retrocession

which received the assent of His Highness the Maharaja, on the 11th day of January 1944, be published as Act No. I of 1944, in the *Mysore Gazette*, for general information.

~~General~~ *Secretary to Government.*

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

ACT ~~II~~ I of 1944.

(Promulgated by His Highness the Maharaja on the 1st day of January 1944)

An Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore - Hindupur line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

PREAMBLE. Whereas His Excellency the Crown Representative has retroceded to His Highness the Maharaja jurisdiction of every kind over the Bangalore-Hindupur Section of the Mysore State Railways, which lies within the territory of the State, inclusive of the Bangalore City Railway Station and over the Broadgauge lines of the Madras and Southern Maharatta Railway from Bangalore City Railway Station to the limits of the Civil and Military Station, Bangalore, and it is necessary to provide for the application of State Laws to the lands occupied by the aforesaid lines and to make provision for the transitional arrangements in respect of proceedings and other matters which have arisen within the said lands and which are pending on the date of retrocession in the Courts of the Civil and Military Station of Bangalore:

His Highness the Maharaja has been pleased to enact as follows:-

TITLE.- 1. This Act may be called an Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore - Hindupur ~~line~~ section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession.

COMMENCEMENT AND EXTENT. 2.(1) It shall come into force on 1st of January 1944.

(2) It applies to all lands ~~(including the lands~~ (including ~~the lands~~ those occupied as Station, out-buildings and for

NTS

for other railway purposes) occupied by the Bangalore - Hindupur Section of the Mysore State Railways, which lie within the territory of the State inclusive of the Bangalore City Railway Station and by the Broad-Gauge line of the Bangalore - Madras Section of the M & S.M. Railway from the Bangalore City Railway Station to the limits of the C & M. Station of Bangalore.

4

3. All laws for the time being in force in the Mysore State shall ~~should~~ be deemed to be in force in the aforesaid lands. APPLICATION OF STATE LAWS.

All Civil suits and proceedings of whatever nature initiated and pending before the Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be suits and proceedings taken cognizance of by and pending in Courts of Mysore and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such suits and proceedings were pending. PENDING CIVIL MATTERS.

5. All criminal cases and proceedings taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be cases and proceedings taken cognizance of by and pending in Courts of Mysore and may be continued in Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such cases are pending. PENDING CRIMINAL MATTERS.

5

Provided, however, that nothing in this section shall affect the provision of Section 350 of the Code of Criminal Procedure.

6. All appeals, applications for revision, and other proceedings, civil as well as criminal, pending in the appellate Courts or the Resident's Court of the Civil and Military Station, Bangalore, on the date of retrocession shall be deemed to be appeals, applications or proceedings pending in the corresponding appellate Courts or the High Court in Mysore, as the case may be, and may be continued in such appellate Courts of competent jurisdiction, as may be notified by the Government, or by the High Court, from the stages at which such cases, applications or proceedings were pending. PENDING APPEALS ETC.

NTS

Provided, however, that nothing in this section shall affect the appeals from the Resident's Court pending before His Majesty in Council.

6

Appeals, etc., to lie to Mysore Courts after retrocession.

7. All appeals, references, applications for revision or review, applications for execution and all miscellaneous applications connected with judgments, decrees, orders or cases, civil or criminal, of courts having jurisdiction prior to retrocession and in respect of which no appeals, references or applications have been filed or made will lie to Courts of competent jurisdiction in Mysore to which such appeals, references or applications would lie if the said judgments, decrees, orders or cases were of corresponding Courts in Mysore, subject to the law of limitation as was in force in the Civil and Military Station, Bangalore, prior to retrocession, being applicable to such appeals, references or applications.

Law applicable to pending matters.

8. All civil suits and proceedings and criminal cases and proceedings commenced and pending in the Courts of the Civil and Military Station, Bangalore, on the date of retrocession, and all appeals, references and applications connected with suits, cases and proceedings in the said Courts prior to retrocession shall be decided by the Mysore Courts applying the law which was in force in the Civil and Military Station, Bangalore, at the time the suits, cases or proceedings were initiated, as far as altered circumstances will permit.

Power to appoint a First Class Magistrate.

9. Notwithstanding anything contained in the Criminal Procedure Code, 1904, the Government may appoint a Magistrate of the First Class with jurisdiction over the whole or any part of the lands to which this Act applies, and determine to which District Magistrate he shall be subordinate and the Sessions Division in which the lands may be included.

10. For purposes of section 177 of the Code of Criminal procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction.

Sd/-N. Madhava Rau,
Dewan.

Genl. Br.

1-4

Approval

Br.

29-12-43

NOTIFICATION.

Order No. RL 487/Legis 29-43-1 Bangalore,
dated the ~~28th~~ 29th December 1943.

Ordered that the accompanying Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession which received the assent of His Highness the Maharaja, on the Twenty Eighth day of December 1943, be published as Act No. XVII of 1944, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

To the Compiler, Mysore Gazette, for publication as a Gazette Extraordinary tomorrow the 30th December 1943 and supply of 50 copies of the Gazette

ACT OF 1944.

(*Promulgated by His Highness the Maharaja on the* ~~1st~~ *day of* ~~January~~ 1944).

An Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur line of he Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

Preamble. Whereas His Excellency the Crown Representative has retroceded to His Highness the Maharaja jurisdiction of every kind over the Bangalore-Hindupur Section of the Mysore State Railway, which lies within the territory of the State, inclusive of the Bangalore City Railway Station and over the Broad-Guage line of the Madras and Southern Maharatta Railway from Bangalore City Railway Station to the limits of the Civil and Military Station Bangalore, and it is necessary to provide for the application of State Laws to the lands occupied by the aforesaid lines and to make provision for the transitional arrangements in respect of proceedings and other matters which have arisen within the said lands and which are pending on the date of retrocession in the Courts of the ~~Civil and Military Station of Bangalore~~:

His Highness the Maharaja has been pleased to enact as follows:—

Title. 1. This Act may be called an Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur Section of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession.

Commencement and extent. 2. (1) It shall come into force on 1st ~~of~~ January 1944.

(2) It applies to all lands (including those occupied as stations, out buildings and for other railway purposes) occupied by the Bangalore-Hindupur Section of the Mysore State Railway, which lies within the territory of the State, inclusive of the Bangalore City Railway Station and by the Broad-Guage line of the Bangalore-Madras Section of the Madras and Southern-Mahratta Railway from the Bangalor City Railway Station to the limits of the Civil and Military Station, Bangalore.

3. All laws for the time being in force in the Mysore State shall be deemed to be in force in the aforesaid lands. Application of State Laws.

4. All Civil suits and proceedings of whatever nature initiated and pending before the Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be suits and proceedings taken cognizance of by and pending in Courts of Mysore and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such suits and proceedings were pending. Pending Civil Matters.

5. All criminal cases and proceedings taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be cases and proceedings taken congnizance of by and pending in Courts of Mysore, and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such cases and proceedings were pending. Pending criminal Matters.

Provided, however, that nothing in this section shall affect the provision of Section 350 of the Code of Criminal Procedure.

6. All appeals, applications for revision, and other proceedings, civil as well as criminal, pending in the appellate Courts or the Resident's Court of the Civil and Military Station, Bangalore, on the date of retrocession shall be deemed to be appeals, applications or proceedings pending in the corresponding appellate Courts or the High Court in Mysore, as the case may be, and may be continued in such appellate Courts of competent jurisdiction, as may be notified by the Government, or by the High Court, from the stages at which such cases, applications or proceedings were pending. Pending appeals, etc.

Provided, however, that nothing in this section shall affect the appeals from the Resident's Court pending before His Majesty in Council.

Appeals, etc., to lie to Mysore Courts after retrocession.

7. All appeals, references, applications for revision or review, applications for execution and all miscellaneous applications connected with judgments, decrees, orders or cases, civil or criminal, of courts having jurisdiction prior to retrocession and in respect of which no appeals, references or applications have been filed or made will lie to Courts of competent jurisdiction in Mysore to which such appeals, references or applications would lie if the said judgments, decrees, orders or cases were of corresponding Courts in Mysore, subject to the law of limitation as was in force in the Civil and Military Station, Bangalore, prior to retrocession, being applicable to such appeals, references or applications.

Law applicable to pending matters.

8. All civil suits and proceedings and criminal cases and proceedings commenced and pending in the Courts of the Civil and Military Station, Bangalore, on the date of retrocession, and all appeals, references and applications connected with suits, cases and proceedings in the said Courts prior to retrocession shall be decided by the Mysore Courts applying the law which was in force in the Civil and Military Station, Bangalore, at the time the suits, cases or proceedings were initiated, as far as altered circumstances will permit.

Power to appoint a First Class Magistrate.

9. Notwithstanding anything contained in the Criminal Procedure Code, 1904, the Government may appoint a Magistrate of the First Class with jurisdiction over the whole or any part of the lands to which this Act applies, and determine to which District Magistrate he shall be subordinate and the Sessions Division in which the lands may be included.

10. For purposes of section 177 of the Code of Criminal Procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction.

N. MADHAVA RAU,
Dewan.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

'der No.
Rl.487/Legis.29-43-1.

General & Revenue Secretariat,
Law Department,
BANGALORE, Dec. 29th, 1943.

- NOTIFICATION

Ordered that the accompanying Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja, which received the assent of His Highness the Maharaja on the 28th day of December 1943, be published as Act No. LVII of 1943 in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for publication.
The Translation Branch.

489/RC

Decr. 29th, 43.

The Comptler,
Mysore Gazette, Bangalore.

I am directed to forward herewith a copy of Notification No. Fl.487/Legis.29-43-1 dated 29th December 1943, directing for publication in the Gazette (Extraordinary), the enclosure an Act No. LVII of 1943, to be published ~~to-morrow~~ today the ~~30th~~ 29th December 1943 and for supply of 100 spare copies to the Secretariat.

I have etc.,

29/12

for Secretary to Government
Law Department.

29/12

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No.
Rl.487/Legis.29-43-1.

General & Revenue Secretariat,
Law Department,
BANGALORE, Decr. 29th, 1943.

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Ordered that the accompanying Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja, which received the assent of His Highness the Maharaja on the 28th day of December 1943, be published as Act No. LVII of 1943 in the Mysore Gazette, for general information.

29/12

Secretary to Government,
Law Department (in charge)

To

The Compiler, Mysore Gazette for publication.
The Translation Branch.

No.F.37-42 Dated Bangalore, the 28th Decr. 1943.

THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.

O R D E R.

Whereas His Excellency the Crown Representative has decided to retrocede to His Highness the Maharaja of Mysore, with effect from the 1st January 1944, jurisdiction of every kind over (i) that portion of the Bangalore-Hindupur section of the Mysore State Railways which lies between Bangalore City Railway Station and the frontier of the Mysore State; (ii) the Railway lands occupied by the Bangalore City Railway Station as described in the Hon'ble the Resident's Notification No. 81, dated the 12th December 1922 and (iii) and the Madras and Southern Mahratta Railway lands lying between the boundary of the Civil and Military Station on Miller's Road and the Bangalore City Railway Station.

The Hon'ble the Resident is pleased to order that all Civil suits and proceedings of whatever nature arising over the said lands and initiated and pending before the courts or any competent authorities in the Civil & Military Station, Bangalore, on the date of retrocession, and all criminal cases and proceedings in respect of offences committed over the said lands and taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be transferred to the Courts of competent jurisdiction or authorities in the Mysore State.

2. It is further ordered that all criminal cases in respect of offences committed prior to the date of retrocession but not taken cognizance of by the Criminal Courts in the Civil and Military Station Bangalore, shall be transferred to the competent authorities of the Mysore State for further action according to law.

(Sd) A.E.Drake

Secretary to the Resident.

'COPY'

I think we may adopt the same phraseology as is used in the Residents' order in our new enactment to be published L. numm. The description of the cited Reg. statute laws may be taken from the Residents notifn no. 87 of 12.12.1922

Asst. Secy. (pro tem) 28/12

No.F.37-42 Dated Bangalore, the 28th Decr. 1943.

THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.

O R D E R.

Whereas His Excellency the Crown Representative has decided to retrocede to His Highness the Maharaja of Mysore, with effect from the 1st January 1944, jurisdiction of every kind over (i)that portion of the Bangalore-Hindupur section of the Mysore State Railways which lies between Bangalore City Railway Station and the frontier of the Mysore State; (ii) the Railway lands occupied by the Bangalore City Railway Station as described in the Hon'ble the Resident's Notification No. 81, dated the 12th December 1922 and (iii) and the Madras and Southern Mahratta Railway lands lying between the boundary of the Civil and Military Station on Miller's Road and the Bangalore City Railway Station.

The Hon'ble the Resident is pleased to order that all Civil suits and proceedings of whatever nature arising over the said lands and initiated and pending before the courts or any competent authorities in the Civil & Military Station, Bangalore, on the date of retrocession, and all criminal cases and proceedings in respect of offences committed over the said lands and taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be transferred to the Courts of competent jurisdiction or authorities in the Mysore State.

2. It is further ordered that all criminal cases in respect of offences committed prior to the date of retrocession but not taken cognizance of by the Criminal Courts in the Civil and Military Station, Bangalore, shall be transferred to the competent authorities of the Mysore State for further action according to law.

(Sd) A.E.Drake

Secretary to the Resident.

'COPY'

Regd. No. M—1175.

The Mysore Gazette

(EXTRAORDINARY)

PUBLISHED BY AUTHORITY

BANGALORE, WEDNESDAY, DECEMBER 29, 1943.

NOTIFICATION.

Order No. Rl. 487—*Legis.* 29-43-1, *Bangalore, dated the 29th December* 1943.

Ordered that the accompanying Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja, which received the assent of His Highness the Maharaja, on the 28th day of December 1943, be published as Act No. LVII of 1943 in the *Mysore Gazette*, for general information.

K. SUBBA RAO,
Secretary to Government,
Law Department.
(In charge.)

ACT LVII OF 1943.

(Promulgated by His Highness the Maharaja on the 28th day of December 1943).

An Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

Preamble. Whereas His Excellency the Crown Representative has decided to retrocede to His Highness the Maharaja, with effect from the 1st January 1944, jurisdiction of every kind over the Railway lands occupied by the Bangalore City Railway Station, that portion of the Bangalore-Hindupur section of the Mysore State Railways, which lies between Bangalore City Railway Station and the frontier of the Mysore State, and the Madras and Southern Mahratta Railway lands lying between the boundary of the Civil and Military Station on Miller's Road and the Bangalore City Railway Station; and it is necessary to provide for the application of State Laws to the lands occupied by the aforesaid lines and to make provision for the transitional arrangements in respect of proceedings and other matters which have arisen within the said lands and which are pending on the date of retrocession in the Courts of the Civil and Military Station of Bangalore:

His Highness the Maharaja has been pleased to enact as follows:—

Title. 1. This Act may be called an Act to provide for the application of State Laws to the lands occupied by the Bangalore City Railway Station and the Bangalore-Hindupur section of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession.

Commencement and extent. 2. (1) It shall come into force on the 1st January 1944.

(2) It applies to all lands (including those occupied as stations, out-buildings and for other railway purposes) occupied by—

(*a*) the Bangalore City Railway Station as described in the Schedule to this Act;

(*b*) that portion of the Bangalore-Hindupur section of the Mysore State Railways, which lies between Bangalore City Railway Station and the frontier of the Mysore State; and

(*c*) the Madras and Southern-Mahratta Railway lands lying between the boundary of the Civil and Military Station on Miller's Road and the Bangalore City Railway Station.

Application of State Laws.

3. All laws for the time being in force in the Mysore State shall be deemed to be in force in the aforesaid lands.

Pending civil matters.

4. All civil suits and proceedings of whatever nature initiated and pending before the Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be suits and proceedings taken cognizance of by and pending in Courts of Mysore, and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such suits and proceedings were pending.

Pending criminal matters.

5. All criminal cases and proceedings taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be cases and proceedings taken congnizance of by and pending in Courts of Mysore, and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such cases and proceedings were pending:

Provided, however, that nothing in this section shall affect the provision of Section 350 of the Code of Criminal Procedure.

Pending appeals, etc.

6. All appeals, applications for revision, and other proceedings, civil as well as criminal, pending in the appellate Courts or the Resident's Court of the Civil and Military Station, Bangalore, on the date of retrocession shall be deemed to be appeals, applications or proceedings pending in the corresponding appellate Courts or the High Court in Mysore, as the case may be, and may be continued in such appellate Courts of competent jurisdiction, as may be notified by the Government, or by the

High Court, from the stages at which such cases, applications or proceedings were pending:

Provided, however, that nothing in this section shall affect the appeals from the Resident's Court pending before His Majesty in Council.

Appeals, etc., to lie to Mysore Courts after retrocession.

7. All appeals, references, applications for revision or review, applications for execution and all miscellaneous applications connected with judgments, decrees, orders or cases, civil or criminal, of courts having jurisdiction prior to retrocession and in respect of which no appeals, references or applications have been filed or made will lie to Courts of competent jurisdiction in Mysore to which such appeals, references or applications would lie if the said judgments, decrees, orders or cases were of corresponding Courts in Mysore, subject to the law of limitation as was in force in the Civil and Military Station, Bangalore, prior to retrocession, being applicable to such appeals, references or applications.

Law applicable to pending matters.

8. All civil suits and proceedings and criminal cases and proceedings commenced and pending in the Courts of the Civil and Military Station, Bangalore, on the date of retrocession, and all appeals, references and applications connected with suits, cases and proceedings in the said Courts prior to retrocession shall be decided by the Mysore Courts applying the law which was in force in the Civil and Military Station, Bangalore, at the time the suits, cases or proceedings were initiated, as far as altered circumstances will permit.

Power to appoint a First Class Magistrate.

9. Notwithstanding anything contained in the Criminal Procedure Code, 1904, the Government may appoint a Magistrate of the First Class with jurisdiction over the whole or any part of the lands to which this Act applies, and determine to which District Magistrate he shall be subordinate and the Sessions Division in which the lands may be included.

10. For purposes of section 177 of the Code of Criminal Procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction.

N. MADHAVA RAU,

Dewan.

SCHEDULE.

Boundary of the Bangalore City Railway Station.

From the level crossing gate on the Mysore Road, the boundary runs North along the ditch on the East of Hanumanthapur and Bargi-Muddenhalli villages, thence continuing East to under-bridge No. 423 at mile 210/6, thence North till it reaches the under-bridge No. 422 near mile 209/22-23, thence turns East along the ditch till it reaches the Madras Railway line at mile 220/8, thence turns South-West alongside the Western boundary of Bargi-Muddenhalli village till it reaches the road under-bridge at mile 220/22-23, thence runs along the boundary of the Municipal Road on the Dharmambudhi Tank bund, till it reaches the junction of the Arlepet and Tank Road, thence turns West and South alongside the compound wall of the Kemmangundi Road till it reaches the new Mill road, thence turns West along the new Mill road till it reaches the Magadi road and thence turns North along the Magadi road, till it reaches the Mysore level crossing gate.

Roman Catholic Church and compound excluded.

Rao Bahadur Thotappa's Chatram and compound excluded.

Printed by the Superintendent at the Government Press, Bangalore.

Telegraphic Address:—
"MINESPECTOR"

PT 1L 3

GOVERNMENT OF MYSORE.

DEPARTMENT OF MINES AND EXPLOSIVES.

No 1811
Encl.

Dated Oorgaum, 23rd Feb. 1944.
(S. India).

3758
RJ

FROM

The *Chief Inspector of Mines and Explosives in Mysore.*

To

The Additional Secretary
to the Government of His Highness the
Maharaja of Mysore, Bangalore.

Retrocession of the administrative jurisdiction
the lands occupied by the Bangalore City R
Station and the Bangalore-Hindupur Line of the
Mysore State Railway to Government.

Sir,

I have the honour to invite kind reference to th
office letter No.1311 dated 19th January 1944 re: licensi
the Petroleum Installations owned by Messrs. Burmah-Shell
Co: and Standard-Vacuum Oil Co. at Bangalore City Railway
Station premises under the Mysore Petroleum Act and the I
thereunder with effect from 1st January 1944 and to reque
you to be so good as to obtain early orders of Government
in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Inspector of Mines &
Explosives in Mysore.

R.S.

(Dy No 3168)

Sd/-

The main file has been sent to the Law Secretary on 26.1.44.

Sd/- 24.2.44

Sd/-

Sd/-

Sd/- 25.2.

Law

SECY. L... DEPT.
GOVT C... ...RE

Sd/-

Law Secy) Sd/- 26/2

Please put up
to file cover

Sd/- 26/2

put up Secy 26.2

Sd/- 28.2.44

The file is put up herewith.

Sd/- 28/2